

# The Flinn Report

Illinois

# Regulation

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**Joint Committee on Administrative Rules**

Illinois General Assembly

217/785-2254

[www.ilga.gov/commission/jcar](http://www.ilga.gov/commission/jcar)

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*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.*

## New Regulations

## Proposed Regulations

### ☛ AMBER ALERT

The DEPARTMENT OF STATE POLICE adopted a new Part titled "AMBER Alert Notification Plan" (20 Ill Adm Code 1292), effective 11/24/04, to implement a system designed to broadcast critical information to the public when a child is abducted. The AMBER alert system may be used to help locate a minor under age 16 or an individual with a proven mental or physical disability. Topics covered include required criteria for activating the alert; procedures for disseminating information to law enforcement agencies, the National Weather Service, statewide media outlets, and the Department of Transportation; establishment of an AMBER plan task force; and appointment of a child safety coordinator (CSC). DSP is also required to develop community and school abduction prevention programs. A change since 1<sup>st</sup> Notice adds specific qualification and experience criteria for the Department employee who is appointed to act as the CSC. Small businesses, municipal police agencies, and not-for-profit corporations that participate in the AMBER alert system or a related child abduction prevention program will be affected by this rulemaking.

Questions/requests for copies: Keith Jensen, DSP, 124 E. Adams St., Rm. 102, Springfield IL 62794-9461, 217/782-7658.

### ☛ 9-1-1 TELEPHONE SYSTEMS

The ILLINOIS COMMERCE COMMISSION adopted amendments for "Standards of Service Applicable to 9-1-1 Emergency Systems" (83 Ill Adm Code 725), effective 12/1/04, to reflect technological advances in the telecommunications industry, as well as new competition within the industry, and to reflect updated federal regulations. The rulemaking strengthens security and testing requirements for both initial and secondary public safety answering points (PSAPs), which are dispatching centers, to ensure the integrity of emergency systems in the event of terrorism, vandalism, civil disturbances, power outages, or natural disasters. Amendments replace the term "local exchange carrier" where it is used throughout the Part with "telecommunications carrier" because that term also encompasses "competitive local exchange carriers (CLECs)". The term "tandem routing" is corrected to "selective routing". The rulemaking revises additional definitions, clarifies

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### ☛ HOSPITALS

The DEPARTMENT OF PUBLIC AID proposed an amendment for "Hospital Services" (89 Ill Adm Code 148) to allow community hospitals that were previously enrolled with DPA for provision of inpatient psychiatric services on or after 6/1/02 to be a provider of outpatient psychiatric clinic services. Current rules require a hospital to be an inpatient psychiatric service provider before DPA will reimburse the hospital for outpatient psychiatric clinic services. Those affected by this rulemaking include Medicaid-funded hospitals and separate clinics that desire to offer outpatient psychiatric services. (Only St. Francis Hospital in Peoria currently meets the amended criteria of this rulemaking.)

Questions/requests for copies/comments until 1/24/05: Joanne Scattoloni, DPA, 201 S. Grand Ave. E., 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/524-0081.

### ☛ TAX RULE CORRECTION

The Joint Committee on Administrative Rules announced a publication error that occurred in 11/19/04 issue of the *Illinois Register*. The notice page of the proposed amendment for rules titled "Use Tax" (86 Ill Adm Code 150) indicated that its text was identical to what appeared for the emergency amendment for the same title

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**NEW REGULATIONS:** Rules adopted by agencies this week.

**PROPOSED REGULATIONS:** Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☛: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

**QUESTIONS/COMMENTS/RULE TEXT:** Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of *The Flinn Report* or the *Illinois Register* will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

# New Regulations

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what types of modifications require Commission approval and which ones merely require written notification 10 days prior to (previously 10 days after) the modification taking effect, and changes the time frame for filing a tentative plan from within 120 days after implementing an approved 9-1-1 surcharge to at least one year prior to the proposed on-line date. Also, amendments require a network diagram and a test plan to be submitted with both a 9-1-1 system's tentative plan and its final plan for providing service. The amendments clarify the specific responsibilities (i.e., records and reporting, "readdressing", project coordination, equipment testing and maintenance) of the telecommunications carriers, 9-1-1 systems, and 9-1-1 service providers and provide time frames for complying with the various requirements. The Commission is prohibiting 9-1-1 calls from ever being delivered to operator services in order to avoid accidentally rerouting a call out-of-state. Other technical and engineering changes are made, including requiring written requests prior to alternative trunking method implementation; requiring telecommunications carriers to notify 9-1-1 systems a minimum of 48 hours prior to taking any action that might adversely affect 9-1-1 service; establishing standards for installation, functionality, and testing of call boxes; and allowing certain options in the event that call boxes are not viable. The rulemaking requires all 9-1-1 systems to have back-up PSAPs within 24 months after 12/1/04, the effective date of these amendments. Each answering position must have direct access to a teletypewriter (TTY) to service the needs of hearing or speech impaired callers; PSAP telecommunicators must receive TTY training at least every 6 months; TTY equipment must be available to continue service during an emergency, malfunction, or power failure; and a training curriculum for telecommunicators is established. Also, the back-up power supply to a 9-1-1 center must be tested monthly, all parties must be involved in the decision-making process for default routing, and

both the 9-1-1 system and the telecommunications carrier must be responsible for a 1% or less error ratio in the 9-1-1 database. Call through, field, and ongoing testing requirements before and after going on-line are provided. The composition, powers, and duties of emergency telephone system boards are clarified, and sections regarding surcharge assessment and billing are stricken. The amendments specify that surcharge administration is the responsibility of telecommunications carriers, whether they are considered resellers or facility-based carriers. Carriers will have 1 year after this rulemaking becomes effective to directly bill, collect, and remit the appropriate 9-1-1 surcharge. Small municipalities that have established a 9-1-1 emergency telephone system will be affected by these amendments.

Questions/requests for copies: Conrad S. Rubinkowski, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/785-3922.

## HORSE RACING

The ILLINOIS RACING BOARD adopted an amendment for "Medication" (11 Ill Adm Code 603), effective 12/1/04. A companion emergency amendment became effective 5/11/04 and expired 10/7/04. The rulemaking changes the penalties for administering more than 99 nanograms of furosemide to a race horse (based on post-race testing) to a maximum \$2,500 fine and/or a maximum 60-day suspension. (Previous rule specified both a maximum \$1,000 fine and a maximum 30-day suspension.)

IRB also adopted amendments for "Drivers, Trainers, and Agents" (11 Ill Adm Code 1317), effective 12/1/04, to repeal the requirement that harness race drivers who are wearing colors must view a race from benches provided by the race track operator. A new section concerning conflicts of interest prohibits a driver from competing in a race against a horse that the driver represents or handles unless coupled as an entry. The same

prohibition applies to competing against a horse in which the driver has a financial or business interest or an interest that is "injurious to racing" as determined by the stewards.

Questions/requests for copies of the 2 IRB rulemakings above: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 7-701, Chicago IL 60601, 312/814-5017.

## DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments for "Procedures and Standards" (92 Ill Adm Code 1001), effective 11/19/04, to specify that a person with a BAID (breath alcohol ignition interlock device) restricted driving permit who fails to take his or her vehicle in for required monitor reports or fails to send in the appropriate portion of the device for the report will be notified by the Secretary. If the permittee does not comply within 10 days after the date of the notification letter, any permits issued to the BAID permittee will be cancelled. Another change restricts BAID providers to use of 2 specific technologies for anti-circumvention methods after 1/1/05. BAIDs installed prior to that date with something other than the 2 specified anti-circumvention technologies must be brought into conformance by 3/1/05. A BAID provider may submit new anti-circumvention technologies to SOS for approval after 1/1/05 for possible inclusion as acceptable methods. As originally proposed, the amendments specified that a BAID permittee charged with using drugs other than alcohol would also immediately lose his or her driving privileges. A change since 1<sup>st</sup> Notice removes this provision. Another change requires BAID providers or installers to notify the SOS within 7 days after a permittee's device is removed from the vehicle and is no longer being used by the permittee. In addition, a time frame is added for providers to file the required monitoring reports. A permittee is required to have his or her device monitored every 60 days, and new text specifies that the provider may file the report

## New Regulations

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within 67 days after the previous report. BAID manufacturers and BAID service providers may be affected by this rulemaking.

Questions/requests for copies: Marc Christopher Loro, SOS, 200 Howlett Bldg., Springfield IL 62756, 217/785-8245, Fax 217/782-2192, E-mail: mloro@ilsos.net

### VOTING RIGHTS

The STATE BOARD OF ELECTIONS adopted a new Part titled "Administrative Complaint Procedures for Violations of Title III of HAVA" (26 Ill Adm Code 150) by emergency rulemaking, effective 11/24/04, for a maximum of 150 days. Identical proposed rules appear in this issue of the *Illinois Register*. The new rules establish a federally required complaint procedure that may be used by any person who believes that a violation of Title III of the federal Help America Vote Act (HAVA) has occurred. The complaint procedure applies to the 11/2/04 federal election and all subsequent federal elections. The complaint must be

filed with the Board no later than 90 days after the violation occurs or within 90 days following the applicable federal election, whichever is later. Complaints alleging a violation by the Board itself will be handled by an alternative resolution service unless waived by the complainant. Other complaints will be handled through a Board review and public hearing process. Topics covered in the rules include definitions, filing procedures, pre-hearing conferences, hearing procedures, Board determinations, and other circumstances under which alternative dispute resolution may be used.

Question/requests for copies/comments concerning the proposed rulemaking until 1/24/05: Steven S. Sandvoss, St. Bd. of Elections, 1020 S. Spring St., Springfield IL 62708, 217/557-9939, E-mail: Ssandvoss@elections.state.il.us

### INCOME TAX

The DEPARTMENT OF REVENUE adopted an emergency amendment

for "Income Tax" (86 Ill Adm Code 100), effective 11/29/04, for a maximum of 150 days to implement Public Act 93-840. An identical proposed amendment appears in this issue of the *Illinois Register*. The rulemakings require Illinois taxpayers to provide DOR with a copy of their federal tax form that reports the tax shelter investments they made during the applicable tax year. Any taxpayer who files the federal disclosure form referenced above will be affected by these rulemakings.

Questions/requests for copies/comments concerning the proposed rulemaking until 1/24/05: Brian Stocker, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/782-7055.

**Note to the reader:** In last week's *Flinn Report*, the peremptory rulemaking titled "Meat and Poultry Act" (8 Ill Adm Code 125) was placed under the heading for proposed rulemakings rather than adopted rulemakings. JCAR regrets any confusing this error may have caused.

## Proposed Regulations

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and Part in that issue. While both the emergency and proposed rulemakings add a new section providing for a commercial distribution fee sales tax exemption for second division motor

vehicles, the proposed amendment extends the exemption through 6/30/05. JCAR apologizes for any confusion this may have caused, and the corrected text appears in this issue of

the *Illinois Register*.

Questions/requests for copies: Edward Stasiewicz, JCAR, 700 Stratton Bldg., Springfield IL 62706, 217/785-2254.

## Second Notices

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The following rulemaking was moved to second notice this week by the agency listed below, commencing the JCAR review period. The rulemaking will be considered at JCAR's 1/11/05 meeting in Springfield.

### ILLINOIS EMERGENCY MANAGEMENT AGENCY

"Licensing of Radon Detection and Mitigation Services" (32 Ill Adm Code 422)  
proposed 5/28/04 (28 Ill Reg 7422)

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*Illinois General Assembly*

**Illinois**

# **Regulation**

Joint Committee on Administrative Rules  
700 Stratton Building Springfield IL 62706

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